

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

CORNERSTONE MORTGAGE, INC.,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:11CV952 RWS
)	
KERRY CRAYON, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter has been litigated, as Cause No. 0711-CV09037 in the Circuit Court of St. Charles County, Missouri, since November 1, 2007. On May 24, 2011, the FDIC as receiver for Defendant Premier Bank, removed this matter to this Court under 12 U.S.C. § 1819(b)(2)(A) and (B). But for the FDIC being substituted as a defendant in this matter for Premier Bank, there is not any basis for jurisdiction in this Court.

In reaction to the FDIC's removal of this matter, Plaintiff filed a motion on June 5, 2011, seeking to dismiss its claims against the FDIC (Premier Bank), and to have the case remanded to state court. None of the Defendants has filed a response to Plaintiff's motion.

If FDIC is dismissed from the case there is not any jurisdictional basis for the case to remain in this Court. To the extent that I may exercise, under the unique facts of this case, supplemental jurisdiction over the remaining claims under 28 U.S.C. § 1367(a) I decline to do so under 28 U.S.C. § 1367(c).

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's motion to dismiss its claims against Defendant FDIC and to remand this matter to state court [#8] is **GRANTED**.

IT IS FURTHER ORDERED that Plaintiff's claims against Defendant FDIC are **DISMISSED**.

IT IS FURTHER ORDERED that Defendant FDIC's motion to file an amended answer [#5] is **DENIED** as moot.

IT IS FURTHER ORDERED that this case is **REMANDED** to the Circuit Court of St. Charles County, Missouri under 28 U.S.C. § 1447(c).

An appropriate Order of Remand will accompany this Memorandum and Order.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 23rd day of June, 2011.